

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SECURITIES and EXCHANGE ) 3:16-cv-517-MMD-WGC  
COMMISSION, )  
)  
Plaintiff, )  
)  
vs. )  
)  
LOUIS V. SCHOOLER, and FIRST )  
FINANCIAL PLANNING CORPORATION )  
d/b/a WESTERN FINANCIAL PLANNING )  
CORPORATION, )  
)  
Defendants. )  
)

**MINUTES OF PROCEEDINGS**

September 7, 2016

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden      REPORTER: FTR

COUNSEL FOR PLAINTIFF: Carol E. Schultze (Telephonically)

COUNSEL FOR MOVANT: Janine Prupas and William Peterson (Present obo Linda  
 Schooler)

SPECIAL APPEARANCE: Philip Dyson, Esq. (Telephonically)

## MINUTES OF PROCEEDINGS: Motion Hearing

2:35 p.m. Court convenes.

The court scheduled today's conference to address the emergency motion to quash or in the alternative motion for protective order filed by Linda Schooler (ECF No. 1). The court confirms the current deposition date is Wednesday, September 14, 2016.

The court first addresses the Government's motion to permit appearance of government attorney (ECF No. 4) pursuant to LR IA 11-3. Ms. Schultze is advised District Judge Miranda M. Du will review and decide the motion; however, in the meantime the court will allow Ms. Schultze to participate in today's conference.

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The court addresses what attempts counsel made to resolve the discovery disputes pursuant to the meet and confer requirements prior to seeking court intervention.

The court next advises counsel it has reviewed the subpoena issued to Linda Schooler and the list of documents and testimony being sought by the Securities Exchange Commission (SEC). The court agrees with counsel for Ms. Schooler that the requests are extremely overbroad. The court briefly addresses certain requests (e.g., 6, 22, 25(a)) to provide counsel an example of what the court considers overbroad.

Overall, the SEC's requests are not well taken by the court and it shall be the responsibility of counsel to meet and confer to resolve any disputes and narrow the discovery requests. The court states anything relating to asset transfers (i.e. liquid transfers, CD's, bank deposits in foreign countries, etc) are legitimate areas of inquiry for the SEC to ask Ms. Schooler.

Ms. Prupas advises the court that a marital settlement agreement, approved by the Superior Court in 2014, has not been produced to the SEC as of today's date but will be once a protective order is executed. Ms. Prupas states the marital settlement agreement will be helpful for the SEC to review because it address all of the assets, including the property in Lake Tahoe that is in question. The court encourages counsel to resolve any concerns regarding the protective order and execute it in short order so the document can be used to help determine what relevant discovery is necessary to be secured from Ms. Schooler.

IT IS THEREFORE ORDERED that the motion to quash (ECF No. 1) is **granted in part** and **denied in part** pursuant to the discussions had today and the guidance the court has provided counsel with regard to narrowing the questions and requests for production of documents by the SEC. The alternative motion for protective order (ECF No. 1) is unnecessary in light of the court's ruling and is considered **moot**. The court will not entertain Ms. Schooler's request for award of fees at this time; however, if properly presented before the court, the court will review and consider the request.

Counsel agree to tentatively reschedule Ms. Schooler's deposition to Wednesday, 10/26/2016, commencing at 10:00 a.m. The deposition notice will confirm the date and time of the deposition.

The court schedules a status conference for **Tuesday, 10/11/2016 at 11:00 a.m.** Counsel wishing to appear telephonically shall dial **1-877-873-8017**, enter the access code **3416460**, and enter the security code **101116** approximately five (5) minutes prior to the hearing.

The court directs Mr. Dyson to register with the CM/ECF so he is able to receive documents concerning this case electronically. The courtroom deputy is directed to ensure

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Mr. Dyson receives hard copies of documents entered by the court until Mr. Dyson appears on the docket and is receiving documents electronically.

There being no additional matters to address at this time, court adjourns at 3:23 p.m.

**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By:                     /s/                      
Katie Lynn Ogden, Deputy Clerk